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AMENDMENT AFTER FINAL REJECTION to the above-captioned Application, is
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Alexandria, VA 22313-1450.

David A. Reams

David C. Reams

(Name of Person Mailing Document)

(Signature of Person Mailing Document)

AMENDMENT AFTER FINAL REJECTION

Now comes Applicant and, pursuant to 37 CFR 1.116 and MPEP 706.07(f)(4) and 714.12-13, hereby files this **AMENDMENT** to the above-captioned Application responsive to Examiner's **FINAL REJECTION** mailed 9/29/05. Applicant respectfully requests that this **AMENDMENT**, the appended New Claims 81-100, be entered and

pending Claims 61-80 be cancelled. This **AMENDMENT** adds only negative limitation language to the claims and is clearly supported in the original specification, thereby requiring only a cursory review by Examiner. Indeed, said claims, as amended, do not present any new issue requiring further consideration or search and, as demonstrated in the **REMARKS** below, now clearly place the Application in a condition for allowance. The added negative limitation language and these New Claims were not presented earlier because Applicant did not fully understand and appreciate the nature of the Examiner's position until after being advised thereof in the detailed **FINAL REJECTION** and a subsequent telephone interview with Examiner and Christopher Kelly.

REMARKS

In the **FINAL REJECTION**, Examiner rejects Claims 61-62, 64, 66, 68, 70-75, 77 and 80 as being anticipated by Estipona, Pat. No. 6,795,973. At **FINAL REJECTION** Pages 3 and 5, Examiner references said prior art (Col. 3, Line 5) "Transport Type B transmission" teaching the Application invention generating the hyperlink address string.

By this **AMENDMENT**, negative limitation language is added to independent New Claims 81, 82 and 90 setting forth definitely, albeit negatively, the boundaries of the patent protection sought to differentiate the Application invention from said cited prior art. MPEP 2173.05(i) citing In re Wakefield, 422 F2d 897, 164 USPQ 636 (CCPA 1970) and In re Barr, 444 F2d 588, 170 USPQ 330 (CCPA 1971). While this negative limitation language is clearly supported in the original specification or disclosure, a literal basis for such support is not necessary. MPEP 2173.05(i) citing Ex parte Grasselli, 231 USPQ 393 (Bd. App. 1983 aff'd mem.), 738 F2d 453 (Fed Cir. 1984) and Ex parte Parks, 30 USPQ2d 1234, 1236 (Bd. Pat. App. & Inter. 1993).

Specifically, the negative limitation language added is underlined in the following excerpts of relevant portions in the independent New Claims 81, 82 and 90:

81. (New) A system for generating an hyperlink address string associated with predetermined program material related to predetermined content located at a predetermined hyperlink address and hyperlinking to said predetermined hyperlink address during the playing of said predetermined program material wherein said predetermined content comprises a web page, said hyperlink address string includes said predetermined hyperlink address rather than the web page content and said hyperlinking is user-activated or automatic comprising ...
82. (New) A method of generating an hyperlink address string associated with predetermined program material related to predetermined content located at a predetermined hyperlink address for hyperlinking to said predetermined hyperlink address during the playing of said predetermined program material wherein said predetermined content comprises a web page, said hyperlink address string includes said predetermined hyperlink address rather than the web page content and said hyperlinking is user-activated or automatic including the step of ...
90. (New) A program signal receiver apparatus for playing program material including predetermined program material related to predetermined content located at a predetermined hyperlink address, receiving an hyperlink address string associated with said predetermined program material and hyperlinking to said predetermined hyperlink address during the playing of said

predetermined program material wherein said predetermined content comprises a web page, said hyperlink address string includes said predetermined hyperlink address rather than the web page content and said hyperlinking is user-activated or automatic comprising:
program signal receiving means for receiving said hyperlink address string
...

The following portions of the Application original specification clearly support such negative limitation language, with web page content, for example, an ad-related coupon:

Page 1, Lines 16-19 and 23-Page 2, Line 2 and Page 2, Lines 6-8 and 17-18
stating, respectively, that the invention is to solve the prior art problem of using higher bandwidth and excessive data capacity to transmit the hyperlink address string with the program signal and an object of the invention is to transmit a coupon web page URL address rather than the coupon itself, e.g. web page content, with a program signal, “By transmitting the entire coupon itself via the television signal rather than, for example, just the URL to a web page to access the coupon, ... prior art systems necessitate higher bandwidth or television data capacity to transmit and thereby incur greater cost.” Page 1, Lines 16-19; “Thus, the problem with the prior art is ... excessive television data capacity” Page 1, Line 23-Page 2, Line 2; “The instant invention solves said ... problem in prior art systems ... by transmitting via the video or audio program signal the URL to a web page having a coupon rather than the entire coupon itself.” Page 2, Lines 6-8; “One object of the invention is to transmit a coupon web page URL address rather than the coupon itself with a program signal.” Page 2, Lines 17-18;

Page 2, Line 23-Page 3, Line 2, indicating that the web page “predetermined content” is the program-related coupon, “Yet another object of the invention is to connect television viewers and radio listeners to a web page to access a program-related coupon.”;

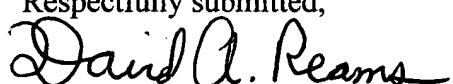
Page 5, Line 13 and Page 8, Lines 10 and 11, referring, respectively, to “URL content” and “Internet content” and

Page 4, Lines 16-17 and Page 5, Line 3, specifying, respectively, that “Said URL string may be generated for VBI, Line 21 (‘Transport Type A’) and resource data and trigger (‘Transport Type B’) transmission” and both Transport Type A and Transport Type B triggers are supported by the invention.

The negative limitation language added to the Application New Claims 81, 82 and 90 clearly sets forth that the content to be excluded from said hyperlink address string transmitted with a program signal for accessing web page content related to associated program material is “the web page content” itself. This is the very “resource stream 20” content in Estipona, Pat. No. 6,795,973 to be included in the “Transport Type B transmission”. Col 3, Lines 5-7. While the trigger stream 16 also included in said Transport Type B transmission is defined to consist of an URL, the resource stream 20 is defined as “information or data that may go into a web page, such as HTML files, GIF files, TIF files, hypertext links, etc.” (emphasis added). Col 3, Lines 10 and 13-17. By transmitting the resource stream 20 (web page content) with the trigger stream 16 (hyperlink address) in the Transport Type B (hyperlink address string) transmission, said cited prior art utilizes higher bandwidth and excessive data capacity for generating, transmitting, receiving, processing and storing said hyperlink address string-inefficiencies clearly excluded by the added negative limitation language to New Claims 81, 82 and 90.

Moreover, transmitting said hyperlink address string including trigger stream **16** rather than resource stream **20** with the program signal renders said cited prior art inoperable for its intended purpose to transmit both trigger stream **16** and resource stream **20** in the Transport Type B transmission and thus cannot now constitute an anticipatory reference. MPEP 2143.01 citing In re Gordon, 773 F2d 900, 221 USPQ 1125 (Fed Cir. 1984) (invention turning device upside down not obvious because made device inoperable for its intended purpose). Further, modifying the Transport Type B transmission disclosed in Estipona, Pat. No. 6,795,973 to transmit only the trigger stream **16**, the hyperlink address, without also the resource stream, **20**, the web page content, would change a fundamental principle of operation of said cited prior art and therefore cannot now be cited as an anticipatory reference. MPEP 2143.01 citing In re Ratti, 270 F2d 810 at 813, 123 USPQ 349 at 352 (CCPA 1959) (cited prior art would have required “substantial reconstruction and redesign of the elements”). Finally, the resource prefetching prior art, Blackketter, et al., Pat. No. 6,415,437, cited by Examiner in view of Estipona, Pat. No. 6,795,973, falls with the primary reference. Durling v. Spectrum Furniture Co., Inc., 40 USPQ2d 1778, 1790 (Fed Cir. 1996) citing In Re Borden, 39 USPQ2d 1524, 1526-2527 (Fed Cir. 1996).

Since the added claim negative limitation language definitely excludes a key characteristic or feature in said cited prior art, the invention claimed in the Application is significantly differentiated from said cited prior art. For the foregoing reasons, the proposed New Claims comply with 37 CFR 1.116 and should therefore be entered and with their entry the Application is now in a condition for allowance.

Respectfully submitted,


David A. Reams, Applicant